

JEFFERSON COUNTY COMMISSIONERS  
COURTHOUSE, BOX H  
BOULDER, MT 59632  
PHONE 406-225-4025  
FAX 406-225-4148

TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
August 30, 2005**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Garry Pace, Superintendent of Schools; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Carri Pfleger, Joe Robertson, Bill Norris, Jeremy Vivrette, Coleen Street, Marilyn McCauley

**CALENDAR REVIEW**

8/31 South Helena Interchange meeting - Helena - 9:00  
9/01 Meeting with Alan Chronister - 11:00  
9/05 Holiday - County Offices closed

**COMMISSION REPORTS**

**ELECTED OFFICIAL/DEPARTMENT HEAD MEETING**

Commissioner Lythgoe reported on the elected official/departments head meeting held on Thursday. He stated that there was a pretty good turn-out. The main topics of discussion were the credit card policy and the grant writer function.

**FIRE**

Commissioner Lythgoe reported that there was a fire the previous day close to Ash Grove. DNRC and volunteer fire departments from Helena, Lewis and Clark County, Montana City, Jefferson City and Clancy responded. They were pretty diligent to knock down the fire.

**SOUTH HELENA INTERCHANGE**

Commissioner Lythgoe reported that he attended a meeting with MDT that morning. This was the final meeting to make sure that the funding mechanism is in place for the South Helena Interchange and frontage road project. This is a cooperative effort with Lewis & Clark County, Jefferson County, the City of Helena and Peccia and Associates. This project has been on the fast track, and Commissioner Lythgoe commented that he has not seen a project come together so fast in his experience. Construction should start in the spring and all of the funding is in place. He noted that there will be a meeting on the following day to discuss what will happen and the time frame.

### SOLID WASTE

Commissioner Weber reported on the Solid Waste meeting held on the 25<sup>th</sup>. He stated that the meeting went well. One highlight of the meeting is that the Whitehall and Boulder transfer stations were reviewed by the DEQ, and they are very happy with these sites. Where last year's review showed some problems, this year's review was great.

### WEED/MOSQUITO BUILDING

Commissioner Notbohm reported that he has been working on the construction project for the weed/mosquito building. No bids were received, so he will do a phone solicitation.

### SUBDIVISION REVIEW

#### PRELIMINARY PLAT APPROVAL - STREET MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report. He stated that this is a subsequent subdivision, so it must be reviewed under major criteria. Harold recommended that preliminary plat approval be granted. Commissioner Weber moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

#### PRELIMINARY PLAT APPROVAL - BENSON MINOR #2 SUBDIVISION

Harold presented his staff report and recommended that preliminary plat approval be granted. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

#### DISCUSS AND DECIDE ON REQUEST TO HELP FUND ENGINEERING FOR SOUTH HELENA INTERCHANGE

Commissioner Lythgoe stated that this request came in about a year and a half ago. Peccia and Associates asked for help with design costs from Jefferson County, as well as from Lewis and Clark County and the City of Helena. They requested \$75,000, and the Commission has never really made a decision if they will contribute. Jefferson County is contributing \$100,000 in CTEP funds for sidewalk and curbs, as well as some right-of-way for the frontage road. Commissioner Notbohm stated that his recollection is that the Commission did vote on this in a meeting, and it was voted down. His feelings is that this is a federally funded project. Also, Peccia stands to profit from this project when he develops his subdivision. Commissioner Notbohm stated that he feels it is inappropriate to give Peccia any money for this project; it is federally funded and in Lewis and Clark County. He also remembers that this was voted down, and that \$100,000 to \$140,000 in CTEP funds would be earmarked for sidewalks, etc. He noted that Peccia has worked for Jefferson County in the past, and he was a driving force behind the interchange project and stands to gain from it. He stated that it would be almost like giving him the money personally. Commissioner Lythgoe stated that he remembers the discussion, which took place in an administrative meeting. The Commissioners discussed their feelings regarding the request, but no decision was made or vote taken. Commissioner Weber stated that he is behind this project, and is glad that the highway funds have been released. He is not really for

granting Peccia's request.

Commissioner Weber moved to deny Peccia's request to help fund engineering for the South Helena Interchange project. Commissioner Notbohm seconded. The motion carried.

RESCIND THE COMMISSION DECISION TO REMOVE ELECTED TRUSTEE FROM THE BASIN FIRE TRUSTEE BOARD

Commissioner Lythgoe called for comments.

Bill Norris stated that he was one of the trustees that was removed from the board. He stated that since then, a lot has happened with the investigation. He stated that he spoke with the state fire marshal just before the meeting. The audit is continuing and is being combined with other evidence. Commissioner Lythgoe stated that he spoke with the auditor the previous day. Bill stated that he gave a large amount of evidence, check stubs, etc., to the State Justice Department. He stated that this information also needs to go to the auditor so that he can complete the audit. As for the Commission's removal of Trustees en mass and reinstatement of a few, voted members have the same status as appointed members. He would also like to thank Commissioner Notbohm for not taking part in all of this.

Joe Robertson stated that he hopes it is clear that the current trustees are not being audited, but that the audit is on the past trustees. He stated that he and his wife were out on a wildland fire when this decision was made. He thanked Commissioner Notbohm for not taking a part in this, and stated that the other Commissioners should be ashamed. None of the trustees had anything to do with the fire and the fire department busted their butt to put out Betka's fire. He stated that the community is in jeopardy. Commissioner Lythgoe noted that the Commission did not disband the fire department, but the trustee board. He is aware that the fire department does a very adequate job, that they are well trained and ready to respond to anything. He stated that this has been one of the most difficult things he has had to deal with. The situation in Basin has been on-going, and the Commission considered taking this action six months ago. Things have gotten worse, tempers have flared and there have been accusations flying. Deputies had to be brought in for trustee meetings. Again, this action was very difficult to take, but it was done after seeking the advice of people that he has confidence in.

Commissioner Lythgoe stated that, recently, petitions to disband the trustee board and to reorganize the trustee board were circulated in the town of Basin. The petitions were a long, long way from getting the required number of signatures. Commissioner Lythgoe stated that the position and action the Commission took, he felt and still feels, were the correct action to take. His concern now is that the community of Basin has had the opportunity to sign the petition, and they have not lined up to sign. He asked why the Commissioners are sticking their necks out when the people of Basin are not willing to sign.

Joe Robertson asked who wrote the petitions. Commissioner Lythgoe stated that it was not the Commission. Joe stated that it is being presented as if it was. Commissioner Lythgoe stated that this is not true. The Commission was aware of the petition, but was not behind it.

Commissioner Notbohm stated that he wants to mention, to his knowledge, the Commission did not back the petition.

Commissioner Weber stated that he would say basically the same things that he said to Bill in a phone conversation. The things done by the Commission were not to insinuate guilt on anyone. The decision he made was based on the fear of citizens and trustees on both sides, who were in fear for their life. This, to him, constitutes an emergency; Jackie stating that she lives under armed guard is an emergency situation. There is no insinuation of guilt towards anyone, but if you are living under armed guard in your own home or fearful to come speak at a public meeting, it is an emergency situation.

Commissioner Lythgoe stated that the dilemma that they face today, is that while he does not think the Commission made a wrong or illegal decision, his inclination is to continue with the reorganization of the board with the Commission and citizens. However, having said that, because the petition didn't get any farther than it did, it seems that the citizens of Basin aren't necessarily behind the Commission or feel that it was the right decision. He is willing to discuss this, whether to proceed as they are or to rescind the decision. Knowing that the investigation would take a long time, he wanted to ease the fears of the citizens of Basin and show them that someone is concerned with their situation and is trying to help. Joe asked if one option is to leave the old board; it was working well. Commissioner Lythgoe stated that this is according to him; it may be true, but at one time the trustees had a full board and because of the way the meetings were held, with in-fighting, etc., people resigned. Commissioner Weber stated that to answer Joe's question, yes, that is one option. Joe stated that he hasn't missed any meetings and he doesn't know what in-fighting Commissioner Lythgoe is talking about. After Bruce and Micki left the board, things were fine.

Commissioner Lythgoe stated that his recommendation, and he wants to make sure his reason is clear, is that it doesn't appear that the Commission has the support of the citizens of Basin to do what they did. However, Commissioner Lythgoe stated that he doesn't feel that the Commission did anything wrong.

Commissioner Lythgoe moved to rescind the decision to remove the trustees that were serving at the time they voted to disband - Jackie Colombe, Bill Norris, Sue Walker, and Rhandi Rachlis, and he would further move that they appoint M.J. Williams as the fifth member. Commissioner Weber seconded. Discussion followed. Commissioner Weber stated that this is a tough decision all around. He wants to reiterate, they were not pointing a finger, but a lot of people were fearing for life and property. The motion carried. Commissioner Lythgoe stated that his hope and prayer is that they don't have to have this conversation again. But, if those here today and the people in Basin don't believe that there is a problem, then they are delusional.

#### DISCUSS AND DECIDE ON MARILYN McCAULEY'S REQUEST TO RESTORE HISTORIC ROAD NAMES

An updated, clearer map was presented for review. Garry Pace stated that he supports the name changes. Marilyn stated that on Microsoft 2001 Streets and Trips, they have Willow Springs

going all the way to the county line. Her only concern is to get Quaintance Lane back on the map. Commissioner Weber stated what brought this forward was for EMS purposes. He asked if the proposed changes be the best for EMS. Marilyn stated that it would; especially if the roads are signed. This is much needed. Commissioner Weber asked if she has talked to EMS people. Garry stated that if you talk to anyone, they can tell you where Quaintance Lane is. It was signed as such until 2000 or so. He stated that traffic is ending up in Marilyn's yard. Commissioner Weber stated that a sign on their drive might help. Marilyn stated that they put up a sign, but people still came up asking where Radersburg Road goes. Commissioner Weber asked if people are aware of Willow Springs Road. Marilyn stated that she is not sure; it never had a sign until they put up the Radersburg Road sign. Commissioner Weber stated that for EMS purposes it makes sense. He sees no reason not to do this, but sees several reasons to do it.

Commissioner Weber moved to change the county road names as proposed on the map and place signs delineating a county road, which will be Willow Springs Road from McCauley's drive. Commissioner Notbohm seconded. The motion carried.

#### **DISCUSS AND DECIDE ON TAKING PART IN THE MONTANA SHARES PROGRAM**

Commissioner Weber stated that he feels good about taking part in this program. It will allow local non-profits to raise funds and allows employees to designate what charities they want to give to. Commissioner Lythgoe asked about United Way. Commissioner Weber stated that the United Way has no local charities. Commissioner Lythgoe stated that they need to instruct Montana Shares to talk to Carla and Bonnie, as this is usually done by payroll deduction.

Commissioner Weber moved to instruct Montana Shares to contact Bonnie regarding payroll deduction or other ways for employees to contribute. Commissioner Lythgoe seconded. Commissioner Notbohm stated that he has seen these programs before, and he feels that it is like obligating the employees to take part in them. Commissioner Lythgoe stated that the program is voluntary. The motion carried.

#### **REVISE CREDIT CARD POLICY**

Commissioner Lythgoe stated that the credit card policy has been re-written to include those offices, the Sheriff's office, the County Attorney's office and Ed Krasinski, that will have a credit card issued to them. Commissioner Weber stated that he would propose to revise this so that Ed's position, rather than his name, is in the policy. Commissioner Lythgoe stated that he had a discussion with the County Attorney and Clerk and Recorder, and it needs to be done that way, as he is the only one who rents cars. The card needs to be in his name. Commissioner Weber noted that his name doesn't need to be in the policy, however. Commissioner Lythgoe agreed that this makes sense.

Commissioner Weber moved to adopt the policy as revised. Commissioner Lythgoe seconded. The motion carried.

#### **MEETING ADJOURNED**

**ATTEST:**

---

**BONNIE RAMEY  
CLERK AND RECORDER**

---

**TOMAS E. LYTHGOE, CHAIR**

---

**CHUCK NOTBOHM, COMMISSIONER**

---

**KEN WEBER, COMMISSIONER**